

AMENDED IN SENATE JULY 1, 2015
AMENDED IN ASSEMBLY MAY 4, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 808

Introduced by Assembly Member Ridley-Thomas

February 26, 2015

An act to amend Sections 13405, 13410, *13411*, 13413, 13420, 13421, 13440, 13440.5, 13442, 13450, *13460*, 13470, 13470.5, 13471, 13472, 13477, 13480, 13481, 13482, 13485, 13486, 13500, 13501, 13502, 13530, 13531, 13532, 13535, 13550, 13570, 13590, 13591, 13592, 13595, 13600, 13700, 13710, 13711, and 13741 of, to amend the headings of Chapter 14 (commencing with Section 13400) of, *Article 2 (commencing with Section 13410) of Chapter 14 of*, Article 5 (commencing with Section 13440) of Chapter 14 of, Article 5.5 (commencing with Section 13446) of Chapter 14 of, Article 6 (commencing with Section 13450) of Chapter 14 of, Article 8 (commencing with Section 13470) of Chapter 14 of, and Article 13 (commencing with Section 13550) of Chapter 14 of, Division 5 of, to add Section 13404.5 to, to repeal Sections 13401, 13402, and 13403 of, and to repeal and add Sections 13400 and 13446 of, the Business and Professions Code, relating to automotive fuels and products.

LEGISLATIVE COUNSEL'S DIGEST

AB 808, as amended, Ridley-Thomas. Automotive fuels and products.

(1) Existing law regulates the sales of motor vehicle fuels and lubricants. Existing law requires the Department of Food and Agriculture to establish standards for motor vehicle fuels and other petroleum products that are offered for sale in the state and requires the department,

through the Division of Measurement Standards to enforce regulations and standards for motor vehicle fuels and lubricants. A violation of this law and those regulations and standards is a crime.

This bill would revise and recast those provisions and would additionally subject the retail sale of electricity for the purposes of transferring electricity to, or storing ~~onboard electricity~~, *electricity onboard*, an electric vehicle primarily for the purpose of propulsion and other alternative fuels. The bill would authorize the department to establish interim ~~specification~~ *specifications* for alternative fuels, as defined, until specified conditions are met. The bill would require the Secretary of Food and Agriculture to establish the method of sale of motor vehicle fuels and lubricants sold at retail to the public.

(2) *Existing law prohibits the sale of a petroleum product that is conditioned on the purchase of another product, merchandise, or service, except that a person who operates a full service car wash facility may condition the sale of petroleum products on the purchase of a car wash.*

This bill would instead prohibit the conditional sale of motor vehicle fuel rather than petroleum products, and would delete the exemption for full service car wash facilities.

(2)

(3) Existing law makes it unlawful for a person to sell or distribute engine oil or axle and manual transmission lubricant unless the SAE/API service classification is conspicuously marked on each container. A violation of this requirement is a crime.

~~This bill would also require the product to conform to a specified classification or specification. The bill would require that, whenever the motor oil does not meet an active API service category, each sign or label bear a plainly visible cautionary statement in compliance with SAE J183 Appendix A.~~ *revise the classifications and specifications to which engine oil or lubricants and axle and manual transmission lubricants are required to conform.*

(3)

(4) Existing law regulates the sale of automotive products, such as engine coolant and antifreeze. Existing law requires the department to establish specification for those products. Existing law deems an automatic transmission fluid as mislabeled under certain conditions. A violation of regulations governing the sale of automotive products is a crime.

This bill would revise and recast those provisions and would additionally deem ~~an automatic~~ transmission fluid to be mislabeled if the container and carton do not bear ~~a lot or batch number on the label~~ information identifying the container lot or batch. The bill would require the secretary to establish the method of sale of diesel exhaust fluid sold at retail to the public. The bill would authorize the sealer to take samples reasonably necessary for enforcement purposes under certain conditions. The bill would require manufacturers or packagers of automotive products, upon request, to provide to a duly authorized representative of the department documentation of claims made on their products.

(4)

(5) This bill would make conforming and nonsubstantive changes.

(5)

(6) Because a violation of the above provisions ~~is~~ *would be* a crime, this bill would impose a state-mandated local program.

(6)

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The heading of Chapter 14 (commencing with
2 Section 13400) of Division 5 of the Business and Professions Code
3 is amended to read:

4

5 CHAPTER 14. FUELS AND LUBRICANTS

6

7 SEC. 2. Section 13400 of the Business and Professions Code
8 is repealed.

9 SEC. 3. Section 13400 is added to the Business and Professions
10 Code, to read:

11 13400. For purposes of this chapter, the following terms mean
12 the following:

13 (a) "Advertising medium" includes banner, sign, placard, poster,
14 streamer, and card.

(b) “Alternative fuels” ~~means any of the following:~~ *means:*

(1) “Biodiesel,” ~~which is a fuel comprised of monoalkyl~~
mono-alkyl esters of long chain fatty acids derived from plant or
animal matter that meets the requirements of the ~~American Society~~
for Testing and Materials (ASTM) ASTM International Standard
Specification D6751 “Standard Specification for Biodiesel Fuel
Blend Stock (B100) for Middle Distillate Fuels.”

(2) “Biodiesel blend,” ~~which is a fuel consisting~~ *comprised* of
biodiesel mixed with diesel fuel that meets the requirements of
ASTM International Standard Specification ~~D7467~~ “Standard
Specification for Diesel Fuel Oil and Biodiesel Blend (B6 to B20).”
D7467.

(3) “Dimethyl ether,” ~~which is an organic compound meant for~~
combustion in compression-ignition engines that meets the
requirements of dimethyl ether prescribed in this chapter.

(4) “Electricity,” ~~which is electrical energy transferred to, or~~
~~stored onboard, or both transferred to and stored onboard, to or~~
stored onboard an electric vehicle primarily for the purpose of
propulsion.

(5) “Ethanol,” ~~which is denatured motor fuel ethanol meeting~~
the requirements of ASTM International Standard Specification
~~D4806~~ “Standard Specification for Denatured Fuel Ethanol for
Blending with Gasolines for Use as Automotive Spark-Ignition
Engine Fuel.” *D4806*.

(6) “Ethanol fuel blend,” ~~which is a motor vehicle fuel consisting~~
primarily of ethanol mixed with gasoline meeting the standards
prescribed *for ethanol fuel blends* by this chapter.

(7) “Hydrogen,” ~~which is a fuel consisting of molecular~~ *high*
purity hydrogen intended for consumption in a ~~surface vehicle or~~
~~electricity production device~~ *motor vehicle* with an internal
combustion engine or fuel cell that meets the standards for
hydrogen prescribed by this chapter.

(8) “Methanol fuel blend,” ~~which is a motor vehicle fuel~~
consisting primarily of methanol mixed with gasoline meeting the
standards prescribed by this chapter.

(9) “Natural gas,” ~~which is a gaseous mixture of hydrocarbon~~
compounds consisting of primarily methane in the form of a
compressed gas or a cryogenic liquid intended for use as a motor
vehicle fuel.

(10) “Propane,” ~~which is~~ a liquefied petroleum gas intended for use as a motor vehicle fuel and meeting the standards prescribed by this chapter.

(11) Any other fuel intended for use as a motor vehicle fuel that the ~~Secretary of Food and Agriculture~~ *secretary* determines is an alternative ~~fuel~~. *fuel that has a standard specification from a standards development organization accredited by the American National Standards Institute (ANSI), or an interim standard specification pursuant to Section 13446.*

(c) “Automotive spark-ignition engine fuel” means a product used for the generation of power in a spark-ignition internal combustion engine.

(d) “Compression-ignition engine fuel” means a product used for the generation of power in a compression-ignition internal combustion engine.

(e) “Developmental engine fuel” means an ~~experimental automotive spark-ignition engine fuel or compression-ignition fuel~~ that does not meet standards established by this chapter but has characteristics that may lead to an improved fuel standard or the development of an alternative fuel standard.

(f) “Diesel fuel” means ~~a~~ *any* hydrocarbon oil meant for combustion in compression-ignition engines offered for sale that meets the standards for diesel fuel prescribed by this chapter.

(g) “Engine fuel” means any gasoline, diesel, or alternative fuel used for the generation of power in an internal combustion engine or fuel cell in a motor vehicle, or electrical power delivered conductively or inductively to an electric motor in electric or plug-in hybrid vehicles. “Motor *vehicle* fuel” means “engine fuel” when that term is used in this chapter.

(h) “Fuel oil” means any ~~lubricant~~ *product* offered for sale that *is burned in a furnace or boiler for the generation of heat and* meets the standards *prescribed* for fuel oil ~~prescribed~~ by this chapter.

(i) “Gasoline” means a volatile mixture of liquid hydrocarbons, generally containing small amounts of additives, suitable for use as a fuel in a spark-ignition internal combustion engine.

(j) “Gasoline-oxygenate blend” means a fuel consisting primarily of gasoline along with a substantial amount of one or more oxygenates. ~~For purposes of this subdivision, “substantial amount” means more than 0.35 mass percent oxygen or, if methanol is the~~

1 ~~only oxygenate, more than 0.15 mass percent oxygen.~~ *oxygenates*
2 *that meets ASTM International Standard D4814.*

3 (k) “Kerosene” means a fuel offered for sale that meets the
4 standards for kerosene prescribed in this chapter.

5 (l) “Lubricant” means a lubricating oil or other substance that
6 reduces friction and wear between moving parts within an engine
7 and other motor vehicle components.

8 (m) “Lubricating oil” means motor oil, engine lubricant, engine
9 oil, lubricating axle oil, gear oil, or manual transmission fluid.

10 (n) “Manufacturer” means manufacturer, refiner, producer, or
11 importer.

12 (o) “Motor oil” ~~or “engine oil”~~ means an oil that reduces friction
13 and wear between the moving parts within an internal combustion
14 engine and also serves as a coolant. *For purposes of this chapter,*
15 *motor oil also means engine oil.*

16 (p) “Motor vehicle fuel” means an engine fuel intended for
17 consumption in, including, but not limited to, an internal
18 combustion engine, fuel cell, or electric motor to produce power
19 to self-propel a vehicle designed for transporting persons or
20 property on a public street or highway.

21 (q) “Octane number” or “antiknock index number,” when used
22 in this chapter, means that number assigned to a spark-ignition
23 engine fuel that designates the antiknock quality. The “octane
24 number” or “antiknock index number” shall be determined
25 according to the ASTM International method or methods
26 designated in the latest ASTM International Standard Specification
27 D4814.

28 (r) “Oxygenate” means an oxygen-containing ashless organic
29 compound, such as an alcohol or ether, that can be used as a fuel
30 or fuel supplement.

31 (s) “Renewable diesel fuel” means a diesel fuel derived from
32 nonpetroleum renewable resources. *Renewable diesel fuel does*
33 *not include biodiesel, as defined in paragraph (1) of subdivision*
34 *(b).*

35 (t) “Sell” or any of its variants means attempt to sell, offer for
36 sale or assist in the sale of, permit to be sold or offered for sale or
37 delivery, offer for delivery, trade, barter, or expose for sale.

38 (u) ~~“Standard test,” as used in this chapter, test~~ “ ” means a test
39 conducted in accordance with the latest published standard adopted
40 by ASTM International.

1 SEC. 4. Section 13401 of the Business and Professions Code
2 is repealed.

3 SEC. 5. Section 13402 of the Business and Professions Code
4 is repealed.

5 SEC. 6. Section 13403 of the Business and Professions Code
6 is repealed.

7 SEC. 7. Section 13404.5 is added to the Business and
8 Professions Code, to read:

9 13404.5. The secretary shall establish the method of sale of
10 motor vehicle fuels and lubricants sold at retail to the public. In
11 doing so, the secretary shall adopt, by reference, the latest method
12 of sale for motor vehicle fuels and lubricants adopted by the
13 National Conference on Weights and Measures and published in
14 the National Institute of Standards and Technology Handbook 130
15 “Uniform Laws and Regulations in the Areas of Legal Metrology
16 and Engine Fuel Quality,” except as specifically provided by the
17 Legislature or modified, amended, or rejected by regulations
18 adopted by the secretary. In the absence of national standards, the
19 secretary may adopt interim standards of method of sale until the
20 time when the standards are adopted by the National Conference
21 on Weights and Measures and published in the National Institute
22 of Standards and Technology.

23 SEC. 8. Section 13405 of the Business and Professions Code
24 is amended to read:

25 13405. (a) The department may grant a variance from the
26 specifications of this chapter for developmental engine fuels if all
27 of the following conditions apply:

28 (1) Variances may only be granted to provide for the
29 development of information under controlled test conditions to
30 assist in the creation of chemical and performance standards for
31 engine fuels.

32 (2) Developmental engine fuel shall only be distributed or sold
33 to fleet-type centrally fueled vehicle and equipment users.

34 (3) The applicant shall warn all parties in writing of any potential
35 risk associated with the use of the developmental engine fuel.

36 (4) The applicant shall report information when and as the
37 department may prescribe in order for the department to monitor
38 the progress of the developmental engine fuel technology
39 evaluation.

(b) The applicant for a variance shall comply with all other requirements, terms, and conditions contained in this division and regulations adopted by the department to further the purposes and administration of this section.

(c) (1) In granting a variance, the department expresses no opinion as to whether an applicant's developmental engine fuel will perform as represented by the applicant nor any opinion to the extent, if at all, that the developmental engine fuel may be safely and effectively used as a substitute for other spark-ignition or compression-ignition engine fuels without incident.

(2) Damages caused by the sale, delivery, storage, handling, and usage of the developmental engine fuel shall be addressed in accordance with contractual provisions negotiated and agreed upon by the applicant and the user.

(d) The department may withdraw a variance if the applicant does not adhere to the conditions required to obtain the variance or if the department recognizes a high probability of equipment harm with the continued use of the developmental engine fuel or to protect public safety.

SEC. 9. The heading of Article 2 (commencing with Section 13410) of Chapter 14 of Division 5 of the Business and Professions Code is amended to read:

Article 2. Sale of ~~Petroleum Products~~ *Motor Vehicle Fuels and Lubricants*

~~SEC. 9.~~

SEC. 10. Section 13410 of the Business and Professions Code is amended to read:

13410. (a) No person engaged in the business of extracting oil or gas from lands within the state, or of producing motor vehicle fuels for sale within the state, may refuse to sell to any city or county sufficient quantities of his or her motor vehicle fuels or lubricants, or both, sold during the normal course of business for the essential services provided by the city or county.

(b) The board of supervisors of a county or its designated county agency, upon application for the purchase of motor vehicle fuels or lubricants, or both, to perform essential services by a city within that county, by any agency of such city or county that performs an essential service, or by any transit district created pursuant to

law, may arrange for the purchase and shall apportion the purchase among all persons specified in subdivision (a) who engage in the sale of motor vehicle fuels or lubricants, or both, within that county. The board of supervisors or its designated county agency shall, to the extent possible, apportion the total purchase of the motor vehicle fuels or lubricants, or both, on the basis of the persons' sales of that motor vehicle fuel or lubricant, or both, in the county during the most recent 90-day period for which information is available.

(c) For purposes of this section, "essential services" means police, fire, health, and transportation services provided by public agencies.

SEC. 11. Section 13411 of the Business and Professions Code is amended to read:

~~13411. (a) Except as specified in subdivision (b), it is unlawful for any person to sell or offer to sell petroleum products motor vehicle fuel for use in any vehicle, as the term vehicle is defined by the Vehicle Code, on the condition that the purchaser also must purchase or pay for any other products, merchandise, or services. This section does not apply to parking time charges at locations also selling electricity as a motor vehicle fuel.~~

~~(b) Notwithstanding subdivision (a), a person who operates a full-service car wash facility may sell or offer to sell petroleum products for use in a vehicle on the condition that the purchaser also must purchase car wash services, provided that all of the following conditions are met:~~

~~(1) The full-service car wash facility, during the base period, as a normal business practice sold gasoline or other motor fuels only to customers who purchased car wash services.~~

~~(2) The retail price for car wash services charged by the facility during any given month does not exceed the retail price for car wash services charged by the facility during the last month of the base period except by an amount equivalent to that which is produced by multiplying the retail price charged for car wash services during the last month of the base period by the percentage by which the figure representing the California Consumer Price Index as compiled and reported by the California Department of Industrial Relations has increased in the period beginning with the last month of the base period and ending with the given month.~~

1 ~~(3) The full service car wash facility sells or offers to sell in~~
2 ~~conjunction with the car wash services not less than ten gallons of~~
3 ~~gasoline with each purchase of such car wash services.~~

4 ~~(4) The full service car wash facility when conditioning the sale~~
5 ~~of gasoline upon the purchase of car wash services posts in a~~
6 ~~conspicuous manner as close to the entrance to the facility as is~~
7 ~~permitted by local ordinance a sign in letters not less than six inches~~
8 ~~in height which effectively states that the purchaser must purchase~~
9 ~~car wash services in order to purchase gasoline.~~

10 ~~(e) For the purposes of this section, the following terms shall~~
11 ~~have the following meanings:~~

12 ~~(1) "Base period" refers to either the year of 1977, 1978, or~~
13 ~~1979, whichever year is selected by the current operator of a full~~
14 ~~service car wash facility subject to this section. Once the operator~~
15 ~~of a full service car wash facility has selected one of these years~~
16 ~~as a base period the operator or any subsequent purchaser of the~~
17 ~~facility may utilize no other year as a base period for the purposes~~
18 ~~of this section. If the full service car wash facility was not in~~
19 ~~operation during 1977, 1978, or 1979, the base period shall be the~~
20 ~~first full calendar year in which the facility is in operation.~~

21 ~~(2) "Full service car wash facility" means a facility which,~~
22 ~~during the base period, sold or offered to sell full service car wash~~
23 ~~services and the service of waxing the exterior of a vehicle by hand~~
24 ~~and at the same time and location sold or offered to sell gasoline.~~

25 ~~(3) "Full service car wash services" means the cleaning of the~~
26 ~~exterior of a vehicle, by means of mechanical devices or~~
27 ~~mechanical devices and individuals, the drying of the exterior of~~
28 ~~a vehicle, and the cleaning, including vacuuming, of the interior~~
29 ~~of a vehicle.~~

30 ~~(4) "Practice" means a repeated or customary action as verified~~
31 ~~by business records or other admissible evidence.~~

32 ~~(d) In any civil action brought pursuant to Chapter 5~~
33 ~~(commencing with Section 17200) of Part 2 of Division 7 of this~~
34 ~~code for a violation of this section by a person who operates a full~~
35 ~~service car wash facility or his or her employees or agents, the~~
36 ~~person who operates the full service car wash facility shall have~~
37 ~~the burden of proof with respect to establishing compliance with~~
38 ~~the provisions of this section.~~

39 ~~(e) Any person who elects to operate a full service car wash~~
40 ~~facility pursuant to subdivision (b) shall maintain records to~~

1 ~~substantiate that the person has complied with the provisions of~~
2 ~~paragraphs (1), (2), and (3) of subdivision (b) and shall permit the~~
3 ~~district attorney of the county in which the full-service car wash~~
4 ~~facility is located and any authorized representative of a~~
5 ~~governmental agency which is authorized under state law to enforce~~
6 ~~the provisions of this section to inspect such records during normal~~
7 ~~business hours.~~

8 (f) ~~Notwithstanding the provisions of Section 13590, the district~~
9 ~~attorney of each county shall enforce the provisions of this section.~~

10 (g) ~~The provisions of subdivisions (b) to (e), inclusive, shall~~
11 ~~apply only during periods when the maximum retail price which~~
12 ~~may be charged for gasoline sold by any person in this state is~~
13 ~~established by the federal or state government, or any department,~~
14 ~~agency, board, or other entity thereof.~~

15 ~~SEC. 10.~~

16 *SEC. 12.* Section 13413 of the Business and Professions Code
17 is amended to read:

18 13413. (a) It is unlawful for any person or other legal entity
19 to make any deceptive, false, or misleading statement by any means
20 whatever regarding quality, quantity, performance, price, discount,
21 or saving used in the sale or selling of any commodity regulated
22 pursuant to this chapter.

23 (b) The following misleading, unfair, or deceptive acts or
24 practices committed or permitted by any person offering for sale
25 any product that is regulated by this chapter are also a violation
26 of this section:

27 (1) Misrepresenting the brand, grade, quality, or price of a motor
28 vehicle fuel or lubricant.

29 (2) Using false or deceptive representations or designations in
30 connection with the sale of motor vehicle fuels or lubricants.

31 (3) Advertising motor vehicle fuels or lubricants or services and
32 not selling them as advertised.

33 (4) Advertising motor vehicle fuels or lubricants of a designated
34 brand, grade, trademark, or trade name not actually sold or
35 available for sale.

36 (5) Making false, deceptive, or misleading statements concerning
37 conditions of sale or price reductions.

38 (6) Representing that the consumer will receive a rebate,
39 discount, or other economic benefit and then failing to give that
40 rebate, discount, or other economic benefit.

(7) Except as otherwise permitted, selling a grade of motor vehicle fuel at more than one price and advertising only the lower price without advertising each of the higher prices in equal size numerals on the same advertising medium.

(8) Placing letters, words, figures, or numerals on any advertising medium offering for sale any goods or merchandise, other than motor vehicle fuel, if the advertising medium may be construed by any reasonable person as advertising a price of motor vehicle fuel.

(9) Forging or falsifying any records or documents required by this chapter or knowingly keeping, using, or displaying the false or forged records or documents.

~~SEC. 11.~~

SEC. 13. Section 13420 of the Business and Professions Code is amended to read:

13420. Every person, firm, partnership, association, trustee, or corporation that owns, leases, or rents and operates a facility that offers any motor vehicle fuel for sale to the public from ~~the a~~ *fueling* facility abutting or adjacent to a street or highway shall accurately update all signs, banners, or other advertising media that indicate hours of the sale. Advertising media indicating hours of sale shall be updated on a monthly basis.

~~SEC. 12.~~

SEC. 14. Section 13421 of the Business and Professions Code is amended to read:

13421. Every person, firm, partnership, association, trustee, or corporation that owns, leases, or rents and operates a facility that offers any motor vehicle fuel for sale to the public from the facility abutting or adjacent to a street or highway shall turn off all outdoor lighted advertising media at their place of business when they are not open for business. This section shall only apply to the fueling facility and not the retail business in a situation where the fueling facility is a part of and adjacent to a retail business provided the retail sale of gasoline or other motor vehicle fuel is not the primary purpose of that business.

~~SEC. 13.~~

SEC. 15. The heading of Article 5 (commencing with Section 13440) of Chapter 14 of Division 5 of the Business and Professions Code is amended to read:

Article 5. Standards for Spark-Ignition Fuels

~~SEC. 14.~~

SEC. 16. Section 13440 of the Business and Professions Code is amended to read:

13440. (a) The department shall establish specifications for automotive spark-ignition engine fuels. The department shall adopt by reference the latest standards established by a recognized consensus organization or standards writing organization such as ASTM International or SAE International, for automotive spark-ignition engine fuel, except that no specification shall be less stringent than required by any California state law.

(b) Any gasoline-oxygenate blend containing methanol shall also contain an alcohol cosolvent (butanol or higher molecular weight alcohol) in an amount equal to or greater than the volume percentage of methanol except those blends previously granted a waiver by the United States Environmental Protection Agency.

(c) The antiknock index as defined in Section 13400 for gasoline and gasoline-oxygenate blends shall not be less than 87.

(d) Gasoline and gasoline-oxygenate blends shall meet the latest specifications set forth in ASTM International Standard Specification ~~D4814~~, except that no specification shall be less stringent than required by any California state law. *D4814*.

(e) Notwithstanding any other provision of this section, gasoline sold for use in Inyo or Mono County, or the portion of Kern County lying east of the Los Angeles County Aqueduct, shall comply with the latest specification set forth in ASTM International Standard Specification D4814 relating to volatility class standards for the season during which the gasoline is sold for either the interior region or the southeast region of ~~California~~, except that no specification shall be less stringent than is required by any ~~California state law~~. *California*.

(f) Ethanol fuel blends shall meet the latest specifications set forth in ASTM International Standard Specification ~~D5798~~, except that no specification shall be less stringent than required by any ~~California state law~~. *D5798*.

(g) Methanol fuel blends shall meet the latest specifications set forth in ASTM International Standard Specification ~~D5797~~, except that no specification shall be less stringent than required by any ~~California state law~~. *D5797*.

(h) Liquefied petroleum gas *for use as a motor vehicle fuel* shall meet the latest specifications set forth in ASTM International Standard Specification ~~D1835~~, ~~except that no specification shall be less stringent than required by any California state law.~~ *D1835*.

(i) Natural gas for use as a motor vehicle fuel shall meet the latest specification set forth by the ~~American Society for Testing and Materials International or Society of Automotive Engineers International~~, ~~except that no specification shall be less stringent than required by any California state law.~~ *ASTM International or SAE International*.

~~SEC. 15.~~

SEC. 17. Section 13440.5 of the Business and Professions Code is amended to read:

13440.5. For purposes of determining the percentage of ethanol in a gasoline-oxygenate ~~blend~~, *blend for use as a fuel*, the volume of ethanol includes the volume of any denaturant (including gasoline) that is added to the extent that these denaturants do not exceed ~~5 percent of the volume of the ethanol.~~ *the maximum volume percent specified in the latest standard established by ASTM International, except that no standard shall be less stringent than required by any California state law.*

~~SEC. 16.~~

SEC. 18. Section 13442 of the Business and Professions Code is amended to read:

13442. (a) It is unlawful for any person to sell, offer for sale, or cause or permit to be sold or offered for sale, or deliver or offer for delivery, any product *used* as a *motor vehicle* fuel for internal combustion engines at any place where motor vehicle fuels are kept or stored for sale, which does not conform to the requirements of this article, unless and until there shall be firmly attached to or painted upon each container, receptacle, pump, and inlet end of the fill pipe of each underground storage tank, *or other equipment used for storage of motor vehicle fuel*, from which or into which the motor vehicle fuel is drawn or poured for sale or delivery, a sign or label, plainly visible, comprising the brand, trademark, or trade name of such fuel, or the words “no brand,” that words shall be in letters of gothic type with a stroke of not less than one-eighth inch in width and not less than one inch in height, and also the words “not gasoline” in red letters of gothic type with a stroke of not less than one-half inch in width and not less than three inches

1 in height, on a white background and not less than twice the size
2 of any other letters or words appearing on or near the label or sign.

3 (b) The provisions of this article, as to the words “not gasoline,”
4 shall not apply to signs or labels used in connection with the sale
5 or delivery of kerosene, jet or turbine fuel, diesel fuel, liquefied
6 petroleum gas, *natural gas*, or motor fuel comprised of a mixture
7 of gasoline and lubricating oil properly labeled in accordance with
8 the provisions of Article 9 (commencing with Section 13480).

9 (c) This section does not apply to electricity sold as a motor
10 vehicle fuel.

11 ~~SEC. 17.~~

12 *SEC. 19.* The heading of Article 5.5 (commencing with Section
13 13446) of Chapter 14 of Division 5 of the Business and Professions
14 Code is amended to read:

15
16 Article 5.5. Standards for Alternative Fuels
17

18 ~~SEC. 18.~~

19 *SEC. 20.* Section 13446 of the Business and Professions Code
20 is repealed.

21 ~~SEC. 19.~~

22 *SEC. 21.* Section 13446 is added to the Business and
23 Professions Code, to read:

24 13446. The department may establish interim specifications
25 for alternative fuel for use in motor vehicles until a standards
26 development organization accredited by the American National
27 Standards Institute (ANSI) formally adopts a standard for the fuel
28 for use in motor vehicles. The department shall then adopt, by
29 reference, the latest standard established by the ANSI-accredited
30 standards development organization for alternative fuel, except
31 that no specification shall be less stringent than required by any
32 California state law.

33 ~~SEC. 20.~~

34 *SEC. 22.* The heading of Article 6 (commencing with Section
35 13450) of Chapter 14 of Division 5 of the Business and Professions
36 Code is amended to read:

37
38 Article 6. Standards for Compression-Ignition Engine Fuels,
39 Kerosene, and Fuel Oils
40

1 ~~SEC. 21.~~

2 SEC. 23. Section 13450 of the Business and Professions Code
3 is amended to read:

4 13450. The department shall establish specifications for
5 compression-ignition engine fuel, kerosene, and fuel oil. The
6 department shall adopt by reference the latest standards established
7 by a recognized consensus organization or standards writing
8 organization such as the ~~American Society of Testing and Materials~~
9 ~~(ASTM)~~ ASTM International or the ~~Society of Automotive~~
10 ~~Engineers~~ SAE International, for compression-ignition engine
11 fuels, kerosene, and fuel oil, except that no specification shall be
12 less stringent than required by any California state law.

13 (a) Diesel fuel oil and renewable diesel fuel oil shall meet the
14 specifications set forth in ASTM International Standard
15 Specification D975.

16 (b) Kerosene shall meet the specifications set forth in ASTM
17 International Standard Specification D3699.

18 (c) Fuel oil shall meet the specifications set forth in ASTM
19 International Standard Specification D396.

20 (d) Biodiesel blends shall meet the latest specifications set forth
21 in ASTM International Standard Specification D7467.

22 (e) Dimethyl ether used as a motor vehicle fuel shall meet the
23 latest specifications set forth in ASTM International Standard
24 Specification D7901.

25 (f) *Renewable diesel fuel shall meet the specifications set forth*
26 *in ASTM International Standard Specification D975.*

27 SEC. 24. Section 13460 of the Business and Professions Code
28 is amended to read:

29 13460. Engine oil shall not be sold or distributed for use in an
30 internal combustion engine unless the product conforms to the
31 following specifications:

32 (a) It shall meet the engine oil requirements established by *a*
33 *minimum of one current API classification pursuant to the latest*
34 *revision of the SAE International Standard SAE J183 for engine*
35 *oil performance and engine service classification, classification,*
36 *or a minimum of one current sequence of the European Automobile*
37 *Manufacturers Association (ACEA) "European Oil Specification."*

38 ~~(b) The flashpoints for the various SAE International~~
39 ~~classifications shall not be less than the following when tested in~~
40 ~~accordance with the latest ASTM International standard method~~

of test for flash and fire points by means of the Cleveland open cup (ASTM D-92):

Viscosity Classification	Kinematic Viscosity (centistoke) by ASTM D445 at 100° C	Minimum Flash Degrees Fahrenheit
SAE 5W	-	305
SAE 10W	-	335
SAE 20W	-	345
SAE 20	-	345
SAE 30	-	355
SAE 40	-	375
SAE 50	-	400
SAE 60	-	435
Grade 70	26.1 to less than 31.7	470

(e)

(b) It shall be free from water and suspended matter when tested by means of centrifuge, in accordance with the standard test ASTM D-2273.

(d)

(c) Any engine oil that is represented to meet SAE International SAE J183 engine oil performance and engine service classification SA must have a neutralization number *either an acid number or base number of 0.20 mg of KOH/g as measured by ASTM International method D-974 of 0.20 maximum. Standard Test Method D974 or equivalent.*

(e)

(d) Any engine oil represented as “energy “resource conserving” shall meet the requirements established by the latest revision of the SAE International Recommended Practice SAE J-1423.

~~SEC. 22.~~

SEC. 25. The heading of Article 8 (commencing with Section 13470) of Chapter 14 of Division 5 of the Business and Professions Code is amended to read:

Article 8. Price Indications on Motor Vehicle Fuel Dispensing Apparatus

1 ~~SEC. 23.~~

2 *SEC. 26.* Section 13470 of the Business and Professions Code
3 is amended to read:

4 13470. (a) A person shall not sell at retail to the general public,
5 any motor vehicle fuel from any place of business in this state
6 unless there is displayed on the dispensing apparatus in a
7 conspicuous place at least one sign or price indicator showing the
8 ~~actual~~ total price per gallon, liter, or other unit of measurement
9 adopted pursuant to Section ~~12107 or 13404~~ 12107, 13404, or
10 13404.5 of all motor vehicle fuel sold therefrom. The ~~actual~~ total
11 price per gallon, liter, or other unit of measurement shall include
12 applicable fuel taxes and all sales taxes.

13 (b) (1) A person shall not sell at retail to the general public,
14 any compressed natural gas for use as a motor vehicle fuel from
15 any place of business in this state unless there is displayed and
16 labeled on the dispensing apparatus in a conspicuous place
17 “Gasoline gallon equivalent.”

18 (2) A person shall not sell at retail to the general public, any
19 liquefied natural gas for use as a motor vehicle fuel from any place
20 of business in this state unless there is displayed and labeled on
21 the dispensing apparatus in a conspicuous place “Diesel gallon
22 equivalent.”

23 (c) When a discount is offered from a dispenser computing only
24 at a higher price, at least one sign or label shall be conspicuously
25 displayed on the dispenser indicating that the dispenser is
26 computing at the higher price and indicating the amount of the
27 discount per ~~gallon, liter, or other~~ unit of measurement in letters
28 and numerals not less than one-half inch high.

29 (d) If motor vehicle fuel is sold by unit of measurement other
30 than gallon, that unit shall be conspicuously displayed on the side
31 of the dispensing apparatus from which service can be made.

32 ~~SEC. 24.~~

33 *SEC. 27.* Section 13470.5 of the Business and Professions Code
34 is amended to read:

35 13470.5. Any person selling, offering for sale, or advertising
36 for sale, at retail to the general public, any gasoline or other motor
37 vehicle fuel from any place of business in this state by use of or
38 through or from any dispensing apparatus and displaying any sign
39 showing the ~~actual~~ total price per liter, shall, in addition, display
40 in a conspicuous fashion in full view of the retail purchaser and

1 in accordance with provisions of this chapter, a gallon-to-liter
2 conversion table showing quantity and price equivalents.

3 ~~SEC. 25.~~

4 *SEC. 28.* Section 13471 of the Business and Professions Code
5 is amended to read:

6 13471. Each sign required by this article shall be placed in a
7 conspicuous place on the dispensing apparatus and if service of
8 motor vehicle fuel may be made from more than one side of such
9 dispensing apparatus the sign shall be so placed as to be visible
10 from at least two sides of the dispensing apparatus.

11 ~~SEC. 26.~~

12 *SEC. 29.* Section 13472 of the Business and Professions Code
13 is amended to read:

14 13472. When a sign is used in addition to a price indicator, as
15 defined in Section 13470, and if the same grade of motor vehicle
16 fuel is sold at a different price from any other dispenser on the
17 same premises, it shall be unlawful to display the sign on a
18 dispenser unless a sign with price numerals of equal size is
19 displayed upon each dispenser from which the same grade of motor
20 vehicle fuel is dispensed at higher prices.

21 ~~SEC. 27.~~

22 *SEC. 30.* Section 13477 of the Business and Professions Code
23 is amended to read:

24 13477. The provisions of this article do not apply to the sale
25 of motor vehicle fuel for aircraft through or from any portable
26 dispensing device.

27 ~~SEC. 28.~~

28 *SEC. 31.* Section 13480 of the Business and Professions Code
29 is amended to read:

30 13480. (a) It is unlawful for any person to sell any motor
31 vehicle fuel or lubricant referred to in this chapter at any place
32 where motor vehicle fuels or lubricants are kept or stored for sale,
33 unless there is affixed to each container, receptacle, pump,
34 dispenser, and inlet end of the fill pipe of each underground storage
35 tank, from which or into which that product is drawn or poured
36 out for sale or delivery, a sign or label plainly visible consisting
37 of the name of the product, the brand, trademark, or trade name
38 of the product, and, in the case of motor vehicle fuel and kerosene,
39 the grade or brand name designation.

(b) When the product is a lubricant, as defined by Section 13400, each sign or label shall also have in letters or numerals, plainly visible, the viscosity grade classification as determined in accordance with the SAE International latest standard for engine oil viscosity classification SAE J300 or manual transmission and axle lubricants viscosity classification SAE J306, as applicable, and shall be preceded by the letters “SAE.”

(c) When the product is automotive spark-ignition engine fuel, the secretary shall make rules and regulations as are reasonably necessary to define and enforce the octane ~~number or number~~, antiknock index labeling *requirements, or other labeling* requirements of the product sold.

(d) When the product is a motor vehicle fuel consisting of a mixture or premixture of gasoline and oil or gasoline-oxygenate blend and motor oil, there shall be conspicuously displayed on the dispensing device at least one sign or label stating the ratio of gasoline to motor oil or gasoline-oxygenate blend to motor oil.

(e) All signs or labels required by this section for retail motor vehicle fuel dispensers and containers of more than one gallon capacity shall be in letters and numerals not less than one-half inch (12.70 mm) in height. On containers of one gallon or less, the signs or labels shall be in letters and numerals not less than one-fourth inch (6.35 mm) in height and one-sixteenth inch (1.59 mm) in width.

(f) The provisions of this section pertaining to octane numbers or antiknock index and motor oil SAE International viscosity number grade shall not apply to products sold for aviation purposes.

(g) This section does not apply to electricity sold as a motor vehicle fuel.

~~SEC. 29.~~

SEC. 32. Section 13481 of the Business and Professions Code is amended to read:

13481. (a) If any motor vehicle fuel or lubricant is offered for sale, but not under any brand, trademark, or trade name, the words “no brand” shall be used as the brand, trademark, or trade name designation. The words “no brand” shall be in letters of gothic type with a stroke of not less than one-half inch in width, not less than three inches in height, and shall consist of red letters on a white background.

(b) This section does not apply to electricity sold as a motor vehicle fuel.

~~SEC. 30.~~

~~SEC. 33.~~ Section 13482 of the Business and Professions Code is amended to read:

13482. (a) It is unlawful for any person to sell or distribute engine oil or ~~axle and manual transmission~~ lubricant unless both of the following are met:

(1) The product conforms to *a minimum of one active API classification pursuant to the latest revision of SAE J183 "Engine Oil Performance and Engine Service Classification," or a minimum of one active sequence of the European Automobile Manufacturers' Association (ACEA) "European Oil Sequences specification," or a minimum of one active OEM specification.*

(2) ~~The SAE/API or API classification or ACEA service classification sequence or OEM specification and SAE J300 viscosity grade~~ is conspicuously marked on each ~~container. container or, if provided in bulk, properly described in product transfer documents.~~

~~(b) Whenever the motor oil does not meet an active API service category as defined to be the latest version of SAE J183, each sign or label shall bear a plainly visible cautionary statement in compliance with SAE J183 Appendix A.~~

~~(c) Each container of engine oil with a volume of one gallon or less shall bear a plainly visible statement indicating generally the automobile model years or condition of service for which the engine oil is suitable for gasoline engines as described in SAE J183.~~

~~(b) It is unlawful for any person to sell or distribute axle and manual transmission lubricant unless it conforms to an SAE J306 viscosity grade.~~

~~SEC. 31.~~

~~SEC. 34.~~ Section 13485 of the Business and Professions Code is amended to read:

13485. Small hand measures used for delivery of motor vehicle fuels or lubricants, and filled in the presence of the customer, need not be labeled in accordance with this chapter if the receptacle, container, or pump from which motor vehicle fuels or lubricants are drawn or poured into the hand measures is properly labeled as required by this chapter.

1 ~~SEC. 32.~~

2 *SEC. 35.* Section 13486 of the Business and Professions Code
3 is amended to read:

4 13486. (a) It is unlawful, at any place of business where motor
5 vehicle fuels or lubricants are sold, for any person to do either of
6 the following:

7 (1) Deliver into a storage tank or container any motor vehicle
8 fuel or lubricant other than the product identified on the label
9 attached to the storage tank or container.

10 (2) Sell by means of, or through, a pump or other device, any
11 motor vehicle fuel or lubricant other than the product identified
12 on the required label, tag, or sign attached to the pump or other
13 device.

14 (b) This section does not prohibit the delivery of motor vehicle
15 fuel into a storage tank labeled with the authorized rebrand as
16 provided in Article 14 (commencing with Section 13560).

17 ~~SEC. 33.~~

18 *SEC. 36.* Section 13500 of the Business and Professions Code
19 is amended to read:

20 13500. It is unlawful for any person to transport in any tank
21 vehicle, for the purpose of sale or for delivery to any place where
22 motor vehicle fuels or lubricants are stored for sale, any product
23 referred to in this chapter unless there is firmly affixed at each
24 outlet or valve of the tank vehicle, a metal tag, plate, or label. The
25 tag, plate, or label shall display, in letters not less than one-half
26 inch in height, the name and grade of the product in the tank
27 compartment of the tank vehicle. In the case of motor oil, the
28 ~~Society of Automotive Engineers International (SAE)~~ *SAE*
29 *International* viscosity number shall also be displayed on the tag,
30 plate, or label.

31 ~~SEC. 34.~~

32 *SEC. 37.* Section 13501 of the Business and Professions Code
33 is amended to read:

34 13501. It is unlawful for any person, when delivering for the
35 purpose of sale, or delivering to any place where products referred
36 to in this chapter are kept for sale, to commingle any product with
37 another product or to commingle grades of a product, if as a result
38 of the commingling the product delivered does not meet the
39 specifications adopted or established by the department.

~~SEC. 35.~~

SEC. 38. Section 13502 of the Business and Professions Code is amended to read:

13502. It is unlawful for any person to deliver into a storage tank or container at any place where products referred to in this chapter are stored for sale, any product other than the product identified on the label attached to the storage tank or container.

~~SEC. 36.~~

SEC. 39. Section 13530 of the Business and Professions Code is amended to read:

13530. (a) Nothing in this article applies to price indicators and signs referred to in Article 8 (commencing with Section 13470). However, any numerals designating the *total* price per gallon, liter, or other unit of measurement adopted pursuant to Section ~~12107 or 13404~~ 12107, 13404, or 13404.5 for a particular brand and grade of motor vehicle fuel permitted or required under Article 8 (commencing with Section 13470) shall, unless otherwise stated, be identical in numerical value with the price per gallon, liter, or other unit of measurement for the same brand and grade of motor vehicle fuel permitted or required under this article.

(b) Nothing in this chapter requires that the cash or merchandise value of trading stamps be stated on any advertising media that either advertises the stamps or advertises the price of motor vehicle fuel.

(c) Unless otherwise prohibited, any person selling motor vehicle fuel by the liter shall be authorized to advertise its price by displaying on the advertising medium either the price per liter or the price per gallon.

~~SEC. 37.~~

SEC. 40. Section 13531 of the Business and Professions Code is amended to read:

13531. (a) (1) Every person offering for sale or selling any motor vehicle fuel to the public from any place of business shall display on the premises an advertising medium that complies with the requirements of this article and that advertises the *total* prices of the three major grades of motor vehicle fuel offered for sale.

~~The~~

(2) *The* advertising medium shall be clearly visible from the street or highway adjacent to the premises. When the place of

1 business is situated at an intersection, the advertising medium shall
2 be clearly visible from each street of the intersection. ~~For~~

3 (3) *For purposes of this subdivision, motor vehicle fuel does*
4 *not include propane or electricity. propane.*

5 (4) *For purposes of this subdivision, electricity and natural gas*
6 *sold as a motor vehicle fuel shall meet only the requirements*
7 *adopted pursuant to Section 13404.*

8 (b) The governing body of any city, county, or city and county
9 may, by ordinance, exempt specified geographic areas from the
10 provisions of this section if, pursuant to Article 5 (commencing
11 with Section 65300) of Chapter 3 of Title 7 of the Government
12 Code, the areas are designated on the local general plan as scenic
13 corridors or historic preservation areas.

14 (c) (1) Except as provided in paragraph (2), any person who
15 violates the provisions of subdivision (a) is guilty of an infraction
16 and, upon conviction, is punishable by a fine not to exceed five
17 hundred dollars (\$500).

18 (2) Any person who violates the provisions of subdivision (a)
19 and who has been previously convicted two or more times of a
20 violation of subdivision (a) is guilty of a misdemeanor and, upon
21 conviction, is punishable by imprisonment in the county jail not
22 exceeding six months, by a fine not exceeding one thousand dollars
23 (\$1,000), or by both.

24 (d) Notwithstanding Section 13590, the district attorney of each
25 county, or pursuant to Section 41803.5 of the Government Code,
26 the city attorney of any general law city or chartered city within
27 each county, or the county sealer, shall, upon complaint or upon
28 his or her own motion, enforce the provisions of this section and,
29 in addition, may bring an action for injunctive relief in accordance
30 with Section 13611.

31 ~~SEC. 38.~~

32 *SEC. 41.* Section 13532 of the Business and Professions Code
33 is amended to read:

34 13532. (a) It is unlawful for any person to display any
35 advertising medium that indicates the price of motor vehicle fuel
36 unless the advertising medium displays all of the following:

37 (1) The *total* price per gallon, liter, or other unit of measurement
38 adopted pursuant to Section ~~12107 or 13404~~, *12107, 13404, or*
39 *13404.5*, including all taxes, in numerals, and fractions when
40 applicable, not less than six inches in height and of uniform size

1 and color. For purposes of this article, fractions are considered one
2 numeral. For purposes of this section, electricity sold as a motor
3 vehicle fuel shall meet only the requirements adopted pursuant to
4 Section 13404.

5 (2) The trademark or brand of the motor vehicle fuel in letters,
6 figures, or numerals not less than one-third the size of the numerals
7 designating the price.

8 (3) The word “gasoline” or the name of other motor vehicle fuel
9 in letters not less than one-third the size of the numerals designating
10 the price, but these words need not be more than four inches in
11 height.

12 (4) The grade designation of the motor vehicle fuel in letters or
13 numerals not less than one-sixth the size of the numerals
14 designating the price, but this designation need not be more than
15 four inches in height.

16 (5) If motor vehicle fuel prices are advertised by the unit of
17 measurement other than gallon, the unit shall be displayed on the
18 advertising medium in letters not less than one-third the size of
19 the numerals designating the price.

20 (b) (1) It is unlawful for any person to display an advertising
21 medium that advertises a discount or price reduction for motor
22 vehicle fuel, unless the advertising medium contains all the
23 following:

24 (A) The *total* price per gallon, liter, or other unit of measurement
25 adopted pursuant to Section ~~12107 or 13404~~ 12107, 13404, or
26 13404.5 from which the discount or price reduction is to be taken.

27 (B) The amount of the discount or price reduction in cents per
28 gallon, liter, or other unit of measurement using numerals that do
29 not exceed the height of the numerals in the advertised price.

30 (C) The conditions of the discount or price reduction using
31 words whose letters are not less than one-third the size of the price
32 numerals.

33 (2) Any limitations under which the discount or price reduction
34 is offered shall be explained in words whose letters are not less
35 than one-third the size of the numerals indicating the prices.

36 (3) There shall be available for each customer’s reference, a
37 chart showing the amount of discount for each type of unit being
38 sold or fraction thereof in one cent (\$0.01) increments, or the retail
39 dispensers used to dispense *motor vehicle* fuel at the discount price
40 shall be set to compute the total sale at the discounted price per

1 gallon or liter and shall be clearly labeled “Includes Cash Discount”
2 in letters not less than one inch in height.

3 (4) For purposes of this subdivision, the motor vehicle fuel shall
4 be sold in the same unit of measure in which the discount and the
5 price from which the discount is taken are advertised.

6 (c) In the event that the same grade of motor vehicle fuel is sold
7 at different prices from any single place of business, it is unlawful
8 for any person to display any advertising medium that advertises
9 a price of a grade of motor vehicle fuel unless the advertising
10 medium advertises in numerals of equal size each of the higher
11 prices, including all taxes for which the grade is sold or offered
12 for sale, and unless the advertising medium explains the conditions,
13 and any limitations, under which that grade is sold or offered for
14 sale at different prices. The words of explanation shall be clearly
15 shown in letters at least one-third the size of the numerals
16 indicating the prices. The different prices at which the same grade
17 of motor vehicle fuel is sold or offered for sale shall be advertised
18 in the same unit of measure as permitted or required by law.

19 (d) Nothing in this section prohibits any person who has posted
20 or displayed a sign or advertising medium in compliance with this
21 chapter from displaying additional signs or advertising media that
22 state either (1) the amount of discount in cents per gallon, liter, or
23 other unit of measurement adopted pursuant to Section ~~12107~~ or
24 ~~12107~~, 13404, or 13404.5, or (2) the *total* price of one or more
25 brands or grades of motor vehicle fuel sold or offered for sale,
26 provided the conditions and any limitations of the discount or price
27 of the brand or grade of motor vehicle fuel are included in the
28 additional advertising media in letters not less than one-third the
29 size of the numerals indicating the discount or price.

30 ~~SEC. 39.~~

31 *SEC. 42.* Section 13535 of the Business and Professions Code
32 is amended to read:

33 13535. If any motor vehicle fuel or lubricant is advertised for
34 sale, but not under any brand designation, the words “no brand”
35 shall be used on the advertising medium as a brand designation.

36 ~~SEC. 40.~~

37 *SEC. 43.* The heading of Article 13 (commencing with Section
38 13550) of Chapter 14 of Division 5 of the Business and Professions
39 Code is amended to read:

Article 13. Inducements for the Sale of Motor Vehicle Fuel

~~SEC. 41.~~

SEC. 44. Section 13550 of the Business and Professions Code is amended to read:

13550. No motor vehicle fuel producer or distributor shall compel or unduly or unreasonably influence any retail dealer to participate in the giveaway or offer to give away free of charge any item of value, including trading stamps or any kind of merchandise or goods, whether or not the giveaway is conditional upon the purchase of motor vehicle fuels or lubricants. The decision to participate in those giveaways shall be solely that of the retail dealer. Nothing in this section shall prohibit a retail dealer from entering into an agreement to participate in any giveaway program.

~~SEC. 42.~~

SEC. 45. Section 13570 of the Business and Professions Code is amended to read:

13570. (a) A manufacturer, blender, agent, jobber, consignment agent, or distributor who distributes motor vehicle fuel that contain at least 1 percent alcohol by volume, shall state on an invoice, bill of lading, shipping paper, or other documentation used in normal and customary business practices, the percentage of alcohol, the type of alcohol, and, except in documentation certifying the octane rating of gasoline as required by federal law, the minimum antiknock index number, as defined in Section 13403, of the products distributed.

(b) If a motor vehicle fuel product contains less than 10 percent ethanol, a statement in the documentation that the product “contains up to 10% ethanol” meets the requirement of subdivision (a) that it state the percentage of ~~alcohol~~ *ethanol*.

(c) This section, as it relates to certification of the minimum antiknock index number, applies to all motor vehicle gasoline distributed.

~~SEC. 43.~~

SEC. 46. Section 13590 of the Business and Professions Code is amended to read:

13590. It is the duty of the department acting through the Division of Measurement Standards to enforce the provisions of this chapter, and to appoint and employ inspectors as may be necessary.

1 ~~SEC. 44.~~

2 *SEC. 47.* Section 13591 of the Business and Professions Code
3 is amended to read:

4 13591. (a) The department, its inspectors, and each sealer, are
5 hereby authorized and empowered to inspect the motor vehicle
6 fuels or lubricants referred to in this chapter and to enter, for the
7 purpose of the inspection, any place where motor vehicle fuels or
8 lubricants are kept or stored for sale.

9 (b) All those officers shall enforce the provisions of this chapter.

10 ~~SEC. 45.~~

11 *SEC. 48.* Section 13592 of the Business and Professions Code
12 is amended to read:

13 13592. The department, each sealer, and any person now or
14 hereafter authorized or empowered by law to inspect the motor
15 vehicle fuels or lubricants referred to in this chapter, may take
16 such sample or samples as may be necessary of any motor vehicle
17 fuel or lubricant kept or stored for the purpose of sale.

18 ~~SEC. 46.~~

19 *SEC. 49.* Section 13595 of the Business and Professions Code
20 is amended to read:

21 13595. (a) It is unlawful for any person to sell or deliver any
22 motor vehicle fuel or lubricant referred to in this chapter that fails
23 to meet the specifications required by this chapter.

24 (b) It is unlawful for any person to sell or deliver any motor
25 vehicle fuel or lubricant referred to in this chapter into, from, or
26 through an unlabeled or mislabeled container or device.

27 (c) (1) The department, each county sealer, deputy county
28 sealer, and inspector may close and seal outlets and inlets of any
29 receptacles, containers, pumps, dispensers, or storage tanks
30 connected to the outlets and inlets, containing any motor vehicle
31 fuel or lubricant referred to in this chapter that fails to meet the
32 requirements of this chapter.

33 (2) The person so sealing shall post in a conspicuous place on
34 the premises, where a receptacle, container, pump, dispenser, or
35 storage tank connected to the outlets and inlets has been sealed, a
36 notice stating that the action of sealing has been taken in
37 accordance with this chapter, and giving warning that it is unlawful
38 to break, mutilate, or destroy the seal or seals of the outlets and
39 inlets, to move the container, or to remove the contents from the
40 container, under the penalty provided in this division.

(d) If a container or lot of containers of any commodity subject to this chapter is found to contain a commodity not in conformity with this chapter, the secretary or sealer representing the secretary may take a sample or samples reasonably necessary for enforcement purposes and may, in writing, order the containers off sale. Any lot or container ordered off sale pursuant to this section shall be subject to a disposal order by the enforcing officer and shall not be sold, offered for sale, or transported, except in accordance with that disposal order. Any action pursuant to this section shall not affect any rights of a retailer under a warranty of merchantability or warranty of fitness.

~~SEC. 47.~~

SEC. 50. Section 13600 of the Business and Professions Code is amended to read:

13600. It is unlawful for any person, or any member, officer, agent, or employee of a firm, association, or corporation, other than the department or any of the officers mentioned in this article, to break, mutilate, or destroy any seal or seals placed upon a container, receptacle, pump, or storage tank connected thereto, or any other storage tank containing a motor vehicle fuel or lubricant, when placed thereon as provided by this article, or to move a container so sealed, or remove the contents therefrom, or to cover, deface, or remove the notice of sealing required by this article.

~~SEC. 48.~~

SEC. 51. Section 13700 of the Business and Professions Code is amended to read:

13700. For purposes of this chapter, the following terms mean the following:

(a) "Automotive product" means engine coolant or antifreeze, prediluted engine coolant or prediluted antifreeze, brake fluid, ~~automatic~~ transmission fluid, and diesel exhaust fluid.

(b) ~~"Automatic transmission"~~ "Transmission fluid" means a product intended for use in a ~~passenger vehicle, other than a bus,~~ *motor vehicle* as either a lubricant, coolant, or liquid medium in any type of ~~fluid automatic~~ transmission, or any other type of unit through which, or by which, force, energy, or power is transferred from a motor vehicle engine by hydraulic means to the driving assembly. *Transmission fluid does not include manual transmission lubricant, as described in the latest revision of the SAE Information*

1 *Report on axle and manual transmission lubricants, SAE*
2 *International J308.*

3 (c) “Brake fluid” means the fluid intended for use as the liquid
4 medium through which force is transmitted in the hydraulic brake
5 system of a vehicle operated upon the highways.

6 (d) “Carton” means the package or wrapping in which a number
7 of containers are shipped or stored.

8 (e) “Container” means any receptacle in which a commodity is
9 immediately contained when sold, but does not mean a carton or
10 wrapping in which a number of receptacles are shipped or stored,
11 or a tank car or truck.

12 (f) “Diesel exhaust fluid” or “DEF” means an aqueous urea
13 solution used in selective catalytic reduction to lower oxides of
14 nitrogen concentration in the exhaust emissions of diesel engines
15 that meets the last version of International Organization for
16 Standardization (ISO) specification for DEF.

17 (g) “Engine coolant” or “antifreeze” means any substance or
18 preparation, regardless of its origin, intended to be diluted before
19 use as the cooling medium in the cooling system of an internal
20 combustion engine to provide protection against freezing,
21 overheating, and corrosion of the cooling system, or any product
22 intended to be diluted before use that is labeled to indicate or imply
23 that it will prevent freezing or overheating of the cooling system
24 of an internal combustion engine.

25 (h) “Label” means all written, printed, or graphic
26 representations, in any form whatsoever, imprinted upon or affixed
27 to any container or accompanying any product referred to in this
28 chapter.

29 (i) “Prediluted engine coolant” or “prediluted antifreeze” means
30 any substance or preparation, regardless of its origin, intended or
31 labeled for use at full strength as the cooling medium or as a top
32 off in the cooling system of an internal combustion engine to
33 provide or supplement protection against freezing, overheating,
34 or corrosion of the cooling system.

35 (j) “Principal display panel” means that part of the label that is
36 designed to most likely be displayed, presented, shown, or
37 examined under normal and customary conditions of display and
38 purchase.

1 ~~SEC. 49.~~

2 *SEC. 52.* Section 13710 of the Business and Professions Code
3 is amended to read:

4 13710. (a) (1) The department shall establish specifications
5 for engine coolants, antifreeze, prediluted engine coolants, and
6 prediluted antifreeze that promote the public safety in the operation
7 of motor vehicles.

8 (2) The chemical, physical, and performance specifications for
9 engine coolants and antifreeze and prediluted engine coolants and
10 prediluted antifreeze under paragraph (1) shall not fall below the
11 minimum specifications, if any, established by ASTM International.
12 Engine coolant and antifreeze shall not contain, after dilution with
13 30 percent water and subsequent mixing, visually identifiable
14 suspended matter or sediment. Prediluted engine coolant and
15 prediluted antifreeze shall not contain, after mixing, visually
16 identifiable suspended matter or sediment.

17 (3) For purposes of this subdivision, the department shall adopt
18 the ASTM International testing procedures. Methanol- and
19 ethanol-based coolants and antifreeze are not suitable for use in
20 automotive engines and shall not be sold or distributed for
21 automotive use.

22 ~~(b) Any automatic transmission fluid sold without limitation as~~
23 ~~to type of transmission for which it is intended, shall meet all~~
24 ~~automotive manufacturers' recommended requirements for~~
25 ~~transmissions in general use in the state. Automatic transmission~~
26 ~~fluids that are intended for use only in certain transmissions, as~~
27 ~~disclosed on the label of its container, shall meet the latest~~
28 ~~automotive manufacturers' recommended requirements for those~~
29 ~~transmissions.~~

30 *(b) Transmission fluid shall meet the latest automotive*
31 *manufacturers' recommended requirements for all transmissions*
32 *disclosed on the label of its container. No transmission fluid shall*
33 *be sold without clearly disclosing, on the label of its container,*
34 *the type of transmission for which it is intended.*

35 (c) The department shall establish specifications for brake fluid
36 that promote the public safety in the operation of automotive
37 vehicles. The specifications for brake fluid shall not fall below the
38 minimum specifications established by the National Highway
39 Traffic Safety Administration of the United States Department of
40 Transportation.

(d) Any manufacturer or packager of any product regulated by this chapter and sold in the state shall provide, upon request to duly authorized representatives of the department, documentation of any claim made upon their products' label.

~~SEC. 50.~~

SEC. 53. Section 13711 of the Business and Professions Code is amended to read:

13711. (a) An engine coolant or antifreeze is mislabeled if any of the following occurs:

(1) The container does not bear a label on which is printed the brand name, principal ingredient, intended application of the coolant or antifreeze, name and place of business of the manufacturer, packer, seller, or distributor, and an accurate statement of the quantity of the contents in terms of liquid measure.

(2) The container does not bear a chart on the label showing appropriate amounts of engine coolant or antifreeze and water in terms of liquid measure to be used to provide protection from freezing at temperatures to at least 30 degrees below zero Fahrenheit.

(3) The container does not bear a statement on the label showing the boiling point of a 50 percent by volume mixture of engine coolant or antifreeze and water in degrees Fahrenheit.

(4) The container is one quart or less and does not bear a label on which is printed the words "engine coolant" or "antifreeze" in letters at least $\frac{1}{8}$ inch high on the principal display panel. The container is greater than one quart and does not bear a label on which is printed the words "engine coolant" or "antifreeze" in letters at least $\frac{1}{4}$ inch high on the principal display panel.

(5) The principal ingredient is propylene glycol or glycerin and the container does not bear a statement on the label not to use an ethylene glycol hydrometer concentration tester for propylene glycol or glycerin coolants.

(6) The container and carton do not bear a lot or batch number on the label identifying the container lot and date of packaging.

(b) A prediluted engine coolant or prediluted antifreeze is mislabeled if any of the following occurs:

(1) The container does not bear a label on which is printed the brand name, principal ingredient, intended application of the coolant or antifreeze, name and place of business of the

1 manufacturer, packer, seller, or distributor, and an accurate
2 statement of the quantity of the contents in terms of liquid measure.

3 (2) The container does not bear a statement on the label showing
4 the protection from freezing in degrees Fahrenheit.

5 (3) The container does not bear a statement on the label showing
6 the boiling point in degrees Fahrenheit.

7 (4) The container is one quart or less and does not bear a label
8 on which is printed the words “prediluted engine coolant” or
9 “prediluted antifreeze” in letters at least $\frac{1}{8}$ inch high on the
10 principal display panel. The container is greater than one quart
11 and does not bear a label on which is printed the words “prediluted
12 engine coolant” or “prediluted antifreeze” in letters at least $\frac{1}{4}$ inch
13 high on the principal display panel.

14 (5) The container is one quart or less and does not bear a label
15 on which is printed the words “DO NOT ADD WATER” in letters
16 at least $\frac{1}{8}$ inch high. The container is greater than one quart and
17 does not bear a label on which is printed the words “DO NOT
18 ADD WATER” in letters at least $\frac{1}{4}$ inch high.

19 (6) The principal ingredient is propylene glycol or glycerin and
20 the container does not bear a statement on the label not to use an
21 ethylene glycol hydrometer concentration tester for propylene
22 glycol or glycerin coolants.

23 (7) The container and carton do not bear a lot or batch number
24 on the label identifying the container lot and date of packaging.

25 (c) ~~Automatic transmission fluid~~ “*Transmission fluid*” is
26 mislabeled if any of the following occurs:

27 (1) The container does not bear a label on which is printed the
28 brand name, the name and place of business of the manufacturer,
29 packer, seller, or distributor, the words ~~“Automatic Transmission~~
30 “*Transmission Fluid*,” and the duty type classification.

31 (2) The container does not bear a label on which is printed an
32 accurate statement of the quantity of the contents in terms of liquid
33 measure.

34 (3) The labeling on the container is false or misleading.

35 (4) The container and carton do not bear ~~a lot or batch number~~
36 ~~on the label identifying~~ *information that identifies* the container
37 lot or batch.

38 (d) Brake fluid is mislabeled if any of the following occurs:

39 (1) The container does not bear a label that conforms to the
40 requirements of the National Highway Traffic Safety

1 Administration, United States Department of Transportation, and
2 upon which is printed the brand name.

3 (2) The container does not bear an accurate statement on the
4 label of the quantity of the contents in terms of liquid measure.

5 (3) The labeling on the container is false or misleading.

6 (e) The secretary shall establish the method of sale of diesel
7 exhaust fluid sold at retail to the public. In doing so, the secretary
8 shall adopt, by reference, the latest method of sale for diesel
9 exhaust fluid adopted by the National Conference on Weights and
10 Measures and published in the National Institute of Standards and
11 Technology Handbook 130 “Uniform Laws and Regulations in
12 the Areas of Legal Metrology and Engine Fuel Quality,” except
13 as specifically modified, amended, or rejected by regulation
14 adopted by the secretary.

15 (f) If a container or lot of containers of any commodity subject
16 to this chapter is found to contain a commodity not in conformity
17 with this chapter, the sealer may take one or more samples
18 reasonably necessary for enforcement purposes and may, in writing,
19 order the containers off sale. Any lot or container ordered off sale
20 pursuant to this section shall be subject to a disposal order by the
21 enforcing officer and shall not be sold, offered for sale, or
22 transported, except in accordance with that disposal order. Any
23 action pursuant to this section shall not affect any rights of a retailer
24 under a warranty of merchantability or warranty of fitness.

25 ~~SEC. 51.~~

26 *SEC. 54.* Section 13741 of the Business and Professions Code
27 is amended to read:

28 13741. (a) It is unlawful for any person or other legal entity
29 to make any deceptive, false, or misleading statement by any means
30 whatever regarding quality, quantity, performance, price, discount,
31 or saving in the sale or selling of any commodity regulated pursuant
32 to this chapter.

33 (b) Any manufacturer or packager of any product subject to this
34 chapter and sold in this state shall provide, upon request, to a duly
35 authorized representative of the department documentation of any
36 claim made on his or her product’s label.

37 ~~SEC. 52.~~

38 *SEC. 55.* No reimbursement is required by this act pursuant to
39 Section 6 of Article XIII B of the California Constitution because
40 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or
2 infraction, eliminates a crime or infraction, or changes the penalty
3 for a crime or infraction, within the meaning of Section 17556 of
4 the Government Code, or changes the definition of a crime within
5 the meaning of Section 6 of Article XIII B of the California
6 Constitution.

O